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Human rights questions: implementation of human rights instruments

Status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Report of the Secretary-General

1. By its resolution 45/158 of 18 December 1990, the General Assembly adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and called upon Member States to consider signing and ratifying or acceding to the Convention as a matter of priority.

2. The Convention entered into force on 1 July 2003 following receipt of the twentieth instrument of ratification of the treaty on 14 March 2003.

3. The First Meeting of States Parties to the Convention, which elected the members of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, was held in New York on 11 December 2003. The results of the election were as follows:

Name of member	*Country of nationality*	*Term expires on 31 December*
Francisco Alba	Mexico	2007
José Serrano Brillantes	Philippines	2005
Francisco Carrión Mena	Ecuador	2007
Ana Elizabeth Cubias Medina	El Salvador	2007
Ana María Dieguez	Guatemala	2005
Ahmed Hassan El-Borai	Egypt	2007

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Name of member	*Country of nationality*	*Term expires on 31 December*
Abdelhamid El Jamri	Morocco	2007
Arthur Shatto Gakwandi	Uganda	2005
Prasad Kariyawasam	Sri Lanka	2005
Azad Taghizade	Azerbaijan	2005

4. The Committee held its first meeting in Geneva from 1 to 5 March 2004. The Committee met with representatives of the International Labour Organization as well as with the representatives of the International Organization for Migration, the Office of the United Nations High Commissioner for Refugees and the United Nations Children's Fund, all of whom expressed support for the Committee and their wish to cooperate with it. The Committee also met with representatives of several non-governmental organizations, including some of the members of the Steering Committee for the Global Campaign for the ratification of the Convention. It welcomed the contribution made by civil society both during the elaboration of the Convention and later in the efforts undertaken to promote its ratification by States. The Committee expressed the hope that NGOs would continue to work with the Committee both on promoting the ratification of the Convention and by providing the Committee with information relevant to its mandate.

5. As at 20 August 2004, the Convention had been ratified by the following 26 States: Azerbaijan, Belize, Bolivia, Bosnia and Herzegovina, Burkina Faso, Cape Verde, Colombia, Ecuador, Egypt, El Salvador, Ghana, Guatemala, Guinea, Kyrgyzstan, Libyan Arab Jamahiriya, Mali, Mexico, Morocco, Philippines, Senegal, Seychelles, Sri Lanka, Tajikistan, Timor-Leste, Uganda and Uruguay. In addition, the following 10 States have signed the Convention: Argentina, Bangladesh, Chile, Comoros, Guinea-Bissau, Paraguay, Sao Tome and Principe, Sierra Leone, Togo and Turkey. Further details on the signatures and ratifications of and accessions to the Convention may be found on the web site of the United Nations Office of Legal Affairs at http://untreaty.un.org.

6. In its resolution 58/166, the General Assembly called upon all Member States that had not yet ratified the Convention to consider urgently signing and ratifying or acceding to it as a matter of priority and called upon States parties to submit in a timely manner their first periodic report as requested in article 73 of the Convention; requested the Secretary-General to provide all the facilities and assistance necessary for the promotion of the Convention through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights; welcomed the increasing activities of the global campaign for the entry into force of the Convention, and invited the Organization and bodies of the United Nations system and intergovernmental and non-governmental organizations to intensify further their efforts with a view to disseminating information on and promoting the understanding of the importance of the Convention; welcomed the work of the Special Rapporteur of the Commission on Human Rights on the human rights of migrants in relation to the Convention and encouraged her to persevere in this endeavour; and requested the Secretary-General to submit an updated report on the status of the Convention to the General Assembly at its fifty-ninth session.

7. Furthermore, in its resolution 58/190, the Assembly requested all Member States, in conformity with their respective constitutional system, effectively to promote and protect the human rights of all migrants, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party, which might include the Convention.

8. On 18 December 2003, International Migrants Day, the Secretary-General again called upon Member States that had not yet done so to become party to the Convention.

9. The importance of ratifying the Convention has also been emphasized at a regional level. Thus, the General Assembly of the Organization of American States, at its thirty-fourth session, in its resolution 2027 of 8 June 2004, entitled "The human rights of all migrant workers and their families", resolved to acknowledge with appreciation the entry into force of the Convention and, accordingly, to urge member States to consider, as appropriate, signing and ratifying that instrument.

10. On 4 March 2004 a hearing on the Convention was organized in Brussels by the European Economic and Social Committee. A representative of the Office of the United Nations High Commissioner for Human Rights participated in the meeting. At its last plenary session, on 30 June and 1 July 2004, the Committee adopted an own-initiative opinion on the Convention, encouraging member States of the European Union to ratify it.

11. Furthermore, the Special Rapporteur on the human rights of migrants continued to promote adherence to the Convention within the framework of the mandate entrusted to her by the Commission on Human Rights. In 2003, the Special Rapporteur participated in several conferences, seminars and other events and gave speeches and lectures reiterating the importance of ratifying the Convention for the full and effective protection of the human rights of migrants.

12. Finally, through the programme of advisory services in the field of human rights, efforts have been pursued by the Secretariat to establish a dialogue with States that have not adhered to international human rights treaties, including the Convention. Workshops on ratification and reporting to human rights treaty bodies organized by the Office of the United Nations High Commissioner for Human Rights in 2003 have continued to emphasize the importance of ratifying the Convention.